

TO: The Honorable Commissioner of Patents  
Washington, District of Columbia 20031

RE: Owens Application No. 09/053,832  
Attn: Examiner C. Goodman Art Group 3724

*Response  
Declaration  
N. Chappin  
9-21-00*

DECLARATION OF PATENT COUNSEL IN RESPONSE TO NOTICE OF NON-  
RESPONSIVE AMENDMENT MAILED 9/14/00

KNOW ALL PERSONS BY THESE PRESENTS: That I, James F. Leggett,  
the undersigned, of Tacoma, Washington, have declared and do declare:

That I am the attorney for Applicant in the above-entitled matter;

That Declarant attempted to confer with examiner Goodman by telephone  
but without success;

That attached hereto are true copies of the Declarations of Dennis M.  
Langlitz, dated 15 June, 2,000, and of William Owens, dated 26 June, 2,000;

That the originals of these Declarations are in the possession of examiner  
Goodman and this Declaration is submitted to comply with his requirement "that  
these Declarations be clearly noted by a title and the rule under which these  
Declarations are being submitted" before they will be included in the file and  
considered;

That William Owen's Declaration is submitted pursuant to 37 CFR 1.63,  
37 CFR 1.125, 37 CFR 1.111(b) and are to be considered by the examiner for  
traversing rejections based upon 35 USC 102 and 103 as required by 37 CFR  
1.132 and MPEP 706.02(a) & (b) and MPEP 716.01(a): "All affidavits or  
declarations presented which do not fall within or under other specific rules are  
to be treated or considered as falling under this rule", see also MPEP 716.01(a);

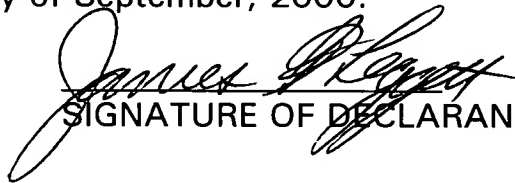
That Dennis M. Langlitz Declaration is submitted for the purpose of traversing rejection based upon obviousness (MPEP 716.01(a)) and is to be considered under 37 CFR 1.132;

That attached hereto is an excerpt of page 2, 3, and 4 of Applicant's Detailed Reply dated 26 June, 2,000 showing that the Amendments requested in response to the examiner's objections were and are set forth in accordance with 37 CFR 1.121(b)(i) & (iii);

That Declarant would like to draw examiner Goodman's attention to page 1 line 17 of the Declaration of William Owens in which it was requested that objections or requirements as to form, such as this Notice of Non-Responsive Amendment, be held in abeyance until allowable subject matter is indicated, 37 CFR 1.111(b).

I declare under penalty of perjury under the laws of the State of Washington and of the United States the foregoing to be true and correct.

Dated this 19th day of September, 2000.

  
SIGNATURE OF DECLARANT